

**SALAMAH** et al.

Serial No. **09/742,279**

March 11, 2003

### REMARKS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

The applicant and the undersigned wish to thank Examiners Cuevas and Tamai for the courtesies extended during the interview of February 20, 2003. The amendment discussed during the interview is presented above and the arguments made are repeated herein for the record.

Claims 1, 4-9, 12-18 are now pending. Claim 1 has been amended to incorporate the limitations of dependent claims 2 and 3 and claim 9 has been amended to incorporate the limitations of dependent claims 10 and 11.

Claims 1-2, 4-5, 7, 9-10, 12-13, 15 and 17-18 were rejected under 35 USC 103(a) as being unpatentable over Staub et al in view of Aiba. Although claims 3, 6, 11 and 14 were not included in the above-stated rejection, in Section 4 of the Official Action, referring to these claims, the Examiner asserted that it would be an obvious matter of design choice to give the downstream wall a generally part circular concave curve. Applicant respectfully traverses this rejection.

Staub is cited as providing a generic disclosure of a generator that shows the conventional parts comprising a generator rotor end winding, as is also illustrated, for example, in Applicants' Figures 1 and 2. As noted by the Examiner, however, Staub does not teach or suggest the concept of providing a downstream wall of a spaceblock that has a non-planar contour to lower a suction pressure developed adjacent the trailing edge of the space block to enhance cooling flow, much less a re-enterant contour defined as a part circular concave curve. In other words, Staub does not teach or in any way suggest the space block configuration claimed by Applicants. The

Examiner seeks to have overcome this deficiency of Staub by citing the secondary reference to Aiba.

Aiba does not teach or suggest a re-entrant configuration on a downstream wall of a spacer block. Rather, Aiba teaches the formation of a groove in a spacer block sidewall to define a channel between the spacer block and the laminate against which it is disposed. It is noted in this regard that the flow in the Aiba structure is radially outward flow so the "downstream" wall would be the radially outer end of the spacer block, not the axial side face thereof that defines the flow channel with the laminate. Thus, at best, Aiba teaches only the provision of a groove in a sidewall of a spacer block for placing coolant flow in contact with [stator laminations] facing the spacer block. If this teaching of Aiba were applied to Staub without the benefit of applicant's disclosure, the resulting combination would provide a groove for coolant air flow in the side wall of the spacer block for exposing the windings adjacent the spacer block to cooling air flow. Providing a groove in the side wall of the spacer block of Staub, however, would still not teach or suggest a rotor spacer block having a downstream wall with a reentrant configuration, much less a part circular configuration as now more specifically recited in claims 1 and 9.

It is noted that during the interview, Examiner Tamai suggested that the stepped downstream wall of the Staub structure may be construed as a "non-planar" downstream wall. While applicant does not share Examiner Tamai's interpretation of Staub, even if Staub is considered to teach a non-planar downstream wall, Staub clearly does not teach or suggest a re-entrant downstream wall having a part circular configuration. Therefore, the invention claimed is not anticipated by nor obvious from Staub taken alone or in combination with Aiba.

Finally, Examiner Cuevas' allegation that a circular concave downstream wall would be "obvious matter of design choice" is not well taken. In this regard, Aiba provides a generally square or rectangular passage in a side face of the spacer block.

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In contrast to Aiba, Applicants propose a curved, part circular configuration for the downstream wall of the space block to lower a suction pressure developed adjacent a trailing edge of the space block. It is therefore respectfully submitted that Applicants have clearly disclosed that the particular shape claimed creates a characteristic and desirable flow dynamic which is in no way suggested by Aiba. It is therefore respectfully submitted that the Examiner's dismissal of the claimed shape of the downstream wall as a matter of design choice is improper and is not substantiated by any reference. In the event that the Examiner's position in this regard is maintained in any respect, it is respectfully requested that the Examiner cite evidence that the claimed downstream wall configuration was known to have been a choice to one skilled in the art. In the absence of evidence supporting this unsubstantiated conclusion, the Examiner's rejection in this regard is improper and cannot be maintained.

Rejections based on 35 U.S.C. §103 must rest on a factual basis with these facts being interpreted without hindsight reconstruction of the invention from the prior art. The Examiner has initial duty of supplying the factual basis for the rejection. The Examiner may not resort to speculation, unfounded assumption or hindsight reconstruction to supply deficiencies in the factual basis. See In re Wanery, 379 F.2d 1011, 1017, 154 USPQ 173, 177-78 (CCPA 1967). Because none of the references of record disclose the details of the claimed invention lacking in the primary reference, nor the unique advantages thereof, there can be no suggestion to modify the structure to contain those features. See In re Civitello, 339 F.2d 243, 144 USPQ 10, (CCPA 1964).

For the reasons advanced above, it is respectfully submitted that the invention claimed is patentable over the prior art of record.

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All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

Respectfully submitted,

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